

Message Text

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PAGE 01 HONG K 10256 040515Z

12

ACTION SCSE-00

INFO OCT-01 EA-09 ISO-00 L-03 /013 W

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P 040306Z SEP 75

FM AMCONSUL HONG KONG

TO DEPARTMENT OF JUSTICE PRIORITY

INFO SECSTATE WASHDC PRIORITY 6769

UNCLAS HONG KONG 10256

JUSTICE FOR RISTAU, CHIEF, FOREIGN LITIGATION UNIT,
CIVIL DIVISION ONLY.

E.O. 11652: N/A

TAGS: CGEN

SUBJECT: U.S. V. SIMMONS

REF: HONG KONG 10167

1. RECEIVED LETTER FROM WING HANG BANK IN RESPONSE RISTAU LETTER; WILL POUCH.
 2. BANK WILL RESPOND TO ACTION UNDER SECTION 750F THE EVIDENCE ORDINANCE TO GIVE EVIDENCE IN U.S. COURTS, STATING IT IS "BOUND TO OBLIGE TO THE FULL LIMIT OF THE LAW".
 3. REFTTEL STATED BANK ORALLY INDICATED (TO HONG KONG POLICE) IT WOULD PROBABLY BE WILLING TO SEND WITNESS TO U.S. FOR LIVE TESTIMONY.
 4. PAR. 3AND 4 BANK'S LETTER STATES: "WE WISH TO MENTION THAT WE ARE ACTUALLY BEING SUED BY YOU AS ONE OF THE DEFENDANTS IN (U.S. V. SIMMOMS). OUR LEGAL ADVISER HAS BEEN NEGOTIATING WITH YOUR LEGAL COUNSEL FOR A SETTLEMENT OF THIS ACTION AGAINST US FOR THE REASON THAT WE ARE AN INNOCENT PARTY AND THAT THE CONTINUATION OF THE ACTION AGAINST US WILL NOT SERVE ANY MEANINGFUL PURPOSE. WE SHALL BE GRATEFUL IF YOU WILL INDICATE TO US WHETHER YOU ARE PREPARED TO DISCONTINUE
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THE ACTION AGAINST US.

5. YOU WILL APPRECIATE, HOWEVER, THAT IF THE SAID ACTION WERE TO BE CONTINUED AGAINST US, WE WOULD HAVE TO INSURE THAT THE TESTIMONY GIVEN IN THE (U.S. COURT) WOULD NOT IN ANY WAY PREJUDICE OUR POSITION IN (HONG KONG CIVIL ACTION)."

6. HAVE ORALLY ASSURED BANK JOINDER AS DEFENDANT IS/WAS TECHNICAL NECESSITY, AND, TO MY KNOWLEDGE, NO PREJUDICE POSSIBLE; BUT THAT I WOULD PASS ON BANK'S FEELINGS. PLEASE ADVISE.
CROSS

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 04 SEP 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975HONGK10256
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750305-0336
From: HONG KONG
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750985/aaaacxad.tel
Line Count: 73
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION SCSE
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 75 HONG KONG 10167
Review Action: RELEASED, APPROVED
Review Authority: RowellE0
Review Comment: n/a
Review Content Flags:
Review Date: 03 MAR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <03 MAR 2003 by maustmc>; APPROVED <15 JAN 2004 by RowellE0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: U.S. V. SIMMONS
TAGS: CGEN, HK, US
To: SCS JUS
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006